

FISH and WILDLIFE COMMISSION AGENDA ITEM COVER SHEET

Meeting Date: May 12, 2016

Agenda Item: Montana Backcountry Hunters and Anglers Quiet Waters Initiative Petition

Division: Enforcement

Action Needed: Final

Time Needed on Agenda for this Presentation: 30 Min

◆-----◆

Background: The Backcountry Hunters and Anglers (BHA) submitted a petition with recommended restrictions on several major water systems in Montana stating, “each year a different type of watercraft or high performance craft is introduced, threatening traditional uses or capable of penetrating previously quiet waters” and that BHA seeks to “close the gaps between those current and potential uses that may be made possible by emerging technologies”

Public Involvement Process & Results: Public comment has not been sought regarding the specific requests in the petition.

Alternatives and Analysis: The Commission is required to either deny the petition or initiate rulemaking. If the Commission denies the petition, the recreational use regulations on the water bodies listed in the petition will remain as they are currently. If the Commission initiates rulemaking, the process outlined by the Recreational Use rules will be adhered to including environmental analysis, development of a management plan, and implementing the management plan.

Agency Recommendation & Rationale: BHA presents recommendations to drastically restrict waterways without demonstrating any necessity to protect public health, public safety, public welfare, or to protect property and public resources. A common theme throughout the petition is the recommendation for no personal watercraft or motorized watercraft claiming “potential safety issues”. Safe operation of the personal watercraft, motorboats, or any vessel is addressed in law. A person may not operate a personal watercraft, motorboat, or vessel in a reckless or negligent manner. Montana Code Annotated §§23-2-523 and 23-2-531. BHA has titled the petition “Quiet Waters Initiative” implying that the petition is an objection to motorboats strictly on the noise they produce.

Using the guidance and requirements established by statute and rule, the commission should deny the petition.

Proposed Motion: I move the Commission deny Backcountry Hunters and Anglers petition regarding quiet waters for the reasons stated by the department.